



# Planning Guidance Memo

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*Periodic guidance from Statewide Planning for Municipal Planning Officials and Staff*

## New State Housing Legislation Reinforces Requirements for Affordable Housing Planning

### Introduction

This Guidance Memo provides local officials involved in the comprehensive planning process with information on recently-enacted State legislation relative to planning for affordable housing needs.

In the closing days of the legislative session, the General Assembly completed a session-long effort to craft legislation establishing a new system for addressing the state's housing needs. The Act is available at the General Assembly's website -- (<http://www.rilin.state.ri.us/Billtext/BillText04/SenateText04/S3148A.pdf>) and a [summary](#) is available on Grow Smart RI's website ([www.growsmartri.com/affordablehousing.html](http://www.growsmartri.com/affordablehousing.html)).

Among other changes, the law institutes a new planning-based approach for the state and communities to meet affordable housing needs. The legislation reinforces the requirement (enacted this February) for preparation of local affordable housing plans by communities that have not achieved a ten percent threshold of subsidized low and moderate income housing units. Other aspects include preparation of a new State Strategic Plan for housing that includes guidelines for higher density development. This memo will concentrate on the initial requirement – local affordable housing plans.

### **Affordable Housing Plans Required by December, 2004**

Under the legislation, affordable housing plans must be developed by affected communities, adopted as a component of the Housing Element of the Local Comprehensive Plan, and submitted to the Statewide Planning Program for state review no later than December 31, 2004.



Under the new Act, several benefits are available to communities having state-approved affordable housing plans as part of their comprehensive plans:

- Provided they are also meeting housing needs by adopting an implementation program and not unreasonably denying applications, they may limit the total number of units applied for annually under the provisions of the Low and Moderate Income Housing Act (RIGL 45-53) to 1% of their year round housing stock.
- They are to receive priority (among communities subject to the affordable housing plan requirement) for housing and community development programs and funds administered by state agencies and entities.
- They may utilize the plan to indicate the production needs and suitable areas for low and moderate income housing, and to establish their plans for compliance with the requirements of the Low and Moderate Income Housing Act (RIGL 45-53).

### Guidance

The requirements for the affordable housing plan, as a component of the housing element of the comprehensive plan, are provided in Handbook 16: [Handbook on the Local Comprehensive Plan](#), available on the Statewide Planning website. (These requirements were established in September 2003 – *a point when affordable housing plans were optional* – but remain valid under the new legislation.)

As summarized in Handbook 16, the fundamental requirements for an affordable housing plan are:

“...[The plan] must identify specific steps that the municipality will take to increase the supply of affordable housing and identify resources to be used in this regard. Specifically the affordable housing plan should be a clear statement and guide to the housing development community that allows them to identify the types and number of affordable housing units in specific locations as desired by the community to address their affordable housing needs.”

### Technical Assistance

To assist affected communities with developing their affordable housing plans Statewide Planning is:

- 1) Providing the enclosed plan review checklist. Statewide Planning and RI Housing have agreed on this checklist as comprising the basis for state review and approval of local affordable housing

plans. This checklist summarizes the required content of an acceptable affordable housing plan, and provides examples of data and supporting analyses that such plans should include. As with all comprehensive plan documents, internal consistency and conformance to State goals and policies are also required.

- 2) Assigning a staff contact/liaison to each affected community to address questions that arise in the planning process. This individual, listed below, should have made initial contact with your planning staff by the time you receive this Memo, and is available to answer or channel inquiries your staff has concerning the planning requirements.
- 3) Working with a coalition of organizations to offer training sessions for local officials involved in the planning process. Further information will be provided to you as soon as plans are finalized.

## Plan Review Timeline

Locally-adopted affordable housing plans submitted as amendments to local comprehensive plans will be reviewed in accordance with the procedures and

schedules established in the Comprehensive Planning Act (45-22.2-9(c), as described below:

- Submission of municipally-adopted plan to Statewide Planning Program
- 15 days completeness review/public notice posting
- 30 days for public comment period
- 30 days for state review and notification of municipality of any deficiencies (if less than 3 plan elements affected by the amendment)
- 60 days for municipal correction of identified deficiencies (may be extended by mutual state-municipal agreement)
- 30 days for state to review corrections submitted and for Director to render "final" decision

As the review process takes up to 165 days, even without extensions; municipalities are encouraged to prepare, adopt, and submit their affordable housing plans as early as possible. Plans submitted will be reviewed in the order received. Completion of the review process for any plans submitted after the December 31, 2004 deadline cannot be assured by June 30, 2005.

## Further Information

*Questions related to the Local Comprehensive Planning Act, and planning requirements for affordable housing plans:*

- **R.I. Statewide Planning Program**  
One Capitol Hill  
Providence, RI 02908  
[www.planning.ri.gov](http://www.planning.ri.gov)

*Questions related to the Low and Moderate Income Housing Act and qualifying units for affordable housing plans:*

- **RI Housing**  
44 Washington Street  
Providence, RI 02903-1721  
[www.rihousing.com](http://www.rihousing.com)  
**RI Housing Staff Contact:**  
Annette Mann Bourne  
Technical Assistance Coordinator  
(401) 457-1116, voice  
(401) 457-1140, fax  
[abourne@rihousing.com](mailto:abourne@rihousing.com)

## Statewide Planning Staff contacts on Affordable Housing Plans:

Community:	Staff contact:	Email:	Phone:
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**Enclosure: Affordable Housing Plan Review Checklist**

## **CRITERIA FOR REVIEW OF HOUSING PLANS THAT MEET THE REQUIREMENTS OF THE LOW-MODERATE INCOME HOUSING ACT**

To be certified as meeting the threshold requirements of the Low-Moderate Income Housing Act for the provision of at least 10% low and moderate income housing, an affordable housing plan as a component of the housing element of the local comprehensive plan must identify steps that the municipality will take to increase the supply of qualifying housing and identify resources to be used in this regard. Specifically the affordable housing plan should be a clear statement and guide to the housing development community that allows them to identify the types and number of low and moderate income housing units needed by the community and the specific areas deemed suitable by the community for siting (and/or rehabilitation) of the needed units. Locations designated by the community to address their affordable housing plan needs must be identified with sufficient detail to establish their suitability and capacity to accommodate the - needs documented in the plan. The plan must satisfy the following requirements:

- ☐ *Has the affordable housing plan been adopted by a municipality as part of the Housing Element of its local comprehensive plan? Is it internally consistent with other applicable elements of the Comprehensive Plan in terms of build-out assumptions, land use, economic development, and infrastructure plans?*

**MEETS THE REQUIREMENTS OF THE LOW & MODERATE INCOME HOUSING ACT**  
(*Sources of information and examples of responses to requirements are provided via the “➤” items below each requirement.*)

- ☐ 1. *Does the plan identify the number of low and moderate income units needed to achieve the threshold requirement as quantified in the most recent “Low and Moderate Income Housing by Community” tabulation published by RIHMFC?*
  - *For the latest tabulation contact Annette Bourne at RI Housing at 457-1116 or [abourne@rihousing.com](mailto:abourne@rihousing.com). Please note that the most recently updated tabulation, dated July 2004, accommodates the subtraction of seasonal units as defined by the 2000 US Census from the total number of housing units*
- ☐ 2. *Does the plan identify specific strategies to attain the threshold over a reasonable period of time, taking into consideration anticipated residential growth based on expected building permit activity, and build-out estimates established in the comprehensive plan?*
  - *History of building permit activity and details on any local building restrictions, such as permit caps, and on planned major land developments*
  - *Population, build-out, and job growth estimates established in the Comprehensive Plan*
  - *List of proposed actions and expected outcomes*
  - *Locations where strategies would be implemented (e.g., municipality-wide or in targeted areas)*

- 3. *Are the number and type (including unit size and target population, e.g. family, elderly, special needs) of low and moderate income units produced by these strategies in proportion to the unmet local, regional, and state housing needs identified in the needs analysis?*
  - *Most recent local, regional, and state CHAS data (<http://socds.huduser.org>)*
  - *Most recent Rhode Island Emergency Shelter Annual Report (to access the pdf go to <http://www.uwri.org/newsPage.cfm?articleID=200>)*
  - *Most recent housing costs (<http://www.riliving.com/oceanstate/SalesStats/default.asp>)*
  - *Most recent rental costs (please contact Annette Bourne at RI Housing at 457-1116 or [abourne@rihousing.com](mailto:abourne@rihousing.com))*
  - *Current housing inventory, based on 2000 US Census data, and the most recent Low and Moderate Income units tabulation as established by RI Housing (see #1 above)*
- 4. *Does the plan provide quantitative estimates of how each strategy will contribute to attainment of the threshold and the timeframe for implementation of each?*
  - *Inclusion of early-action (<1 yr) items relative to land management changes needed to support key strategies identified in the plan.*
- 5. *Does the implementation program cover a minimum period of five years*
- 6. *Does the plan identify responsible parties, partners, and resources for each implementation strategy?*
- 7. *Are the number of low and moderate income units projected to be produced consistent with build-out estimates, zoning and fee requirements, geographic building constraints (e.g. wetlands, ledge, flood plains), and infrastructure and services established in the comprehensive plan for targeted areas?*
  - *Analysis demonstrating the feasibility of attaining the low and moderate unit production targets within the geographic areas identified in the plan for specific production strategies, based upon:*
    - *Current and proposed land management standards*
    - *Current and proposed infrastructure and service availabilities*
    - *Land availability and capability analyses*
- 8. *For redevelopment and/or reuse of existing buildings, are specific areas or properties identified and the number of low and moderate income units projected for each?*
  - *Analysis demonstrating the feasibility of attaining the low and moderate unit reuse targets within the geographic areas identified in the plan for specific redevelopment strategies, based upon:*
    - *Current and proposed land management standards*
    - *Current and proposed infrastructure and service availabilities*
    - *Land/structure availability inventories and capability/reuse analyses*